

portions of the application.

Claims 11-13, 18 and 21-22 (now 22-23) have been rejected under 35 U.S.C. 101 as drawn to non-statutory subject matter. The rejection is respectfully traversed. First of all, as now claimed, there is no composition of matter containing the peptides as tagged. Compositions containing tagged peptides of 5-12 mers known to bind specifically to are not products of nature. The entire protein is the natural product.

Claims 11-13, 18 and 21-22 (now 22 and 23) have been rejected under 35 U.S.C. 112, second paragraph as indefinite for recitation of a sample "suspected" to contain spore. The rejection is respectfully traversed. First, the claims are read in view of the specification. Attention is invited to, for example, page 1, lines 8-22, the second fully paragraph of page 2, and the paragraph beginning at line 21 of page 14. Furthermore, the specification (including the claims) address one of ordinary skill in the art. Such persons would clearly know why one would want to identify the cited organisms in the environment or in a clinical setting.

Regarding the term "specificity", in view of the specification, it is clear that the specificity required is that of binding to a particular site on the target organism. If the examiner has some suggested verbiage that would be expected (other than the form paragraph provided) it is urged she suggest it. Again, a reading of the specification which would clearly give interpretation to the claims, is invited.

Claims 10, 15 and 18 are rejected under 35 U.S.C. 102(b) as

anticipated by Ezzell. The rejection is respectfully traversed. No peptides of any particular length are suggested therein. Ezzell uses a whole protein, not a peptide specifically selected for binding properties. It is urged that the examiner tell where the reference suggests such short peptides.

Claims 10-13 are rejected as anticipated by Hutchens. The rejection is traversed. The novelty does not lie in the use of a polymeric support, but in the use of the short, targeted peptides as claimed.

Claims 10, 15 and 18 were rejected under 35 U.S.C. 102 as anticipated by Hutchens. First, the section cited by the examiner has nothing to do with spores. In fact, it is not understood how the cited reference even relates to the instantly claimed invention. Enlightenment was previously requested. However, none has been forthcoming.

Claims 10, 15 and 18 were rejected under 35 U.S.C. 102(a) as anticipated by D'Mello. The rejection is respectfully traversed. The organisms discussed in that paper do not have spores. The relevance, in view of that distinction, is not seen. One would not subject compositions suspected of containing spores to the peptides of D'Mello. Furthermore, there is no suggested any peptides should be chosen for their ability to bind the cited organisms. The claimed invention requires that the peptides be limited to those which are known to bind to specific organisms. One would never be directed to a composition selectively requiring peptides of such specificity by the cited application. The applicant is not

encompassing compositions which have just any peptides.

It is believed the claims are now in condition for allowance. If discussion would facilitate prosecution of this application, the Examiner is invited to contact the Applicant's representative at (703) 425-8405.

Respectfully submitted,



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23. A composition comprising a tagged peptide ligand of 5-12 mers known to bind to spores from a particular species of bacteria selected from B. subtilis, B. antracis, and B. cereus and a sample suspected of containing spores which will bind to said peptide ligand.

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22. A composition of claim 21 containing a tagged peptide ligand which binds with specificity to the surface of a bacterial spore, said ligand being bound to a solid support.

11. A composition of claim 22 wherein the solid support is a polymeric support.

(RE)  
12. A composition of claim 22 wherein the solid support forms a filter.

13. A composition of claim 22 wherein the solid support is a tape or sponge.

18. A composition of claim 21 wherein the peptide ligand is in a liquid medium.

NO CHANGES  
WERE MADE TO CLAIMS  
11, 12, 13, 18